

ESTTA Tracking number: **ESTTA577184**

Filing date: **12/17/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Villanueva Holding Company LLC
Granted to Date of previous extension	12/18/2013
Address	8950 Railwood Drive Houston, TX 77078 UNITED STATES
Attorney information	John A. Tang Strasburger & Price, LLP 909 Fannin Street Suite 2300 Houston, TX 77010 UNITED STATES ipdocketing@strasburger.com,john.tang@strasburger.com,michelle.brockway@strasburger.com,teresa.wrye@strasburger.com Phone:7139515600

Applicant Information

Application No	76713393	Publication date	08/20/2013
Opposition Filing Date	12/17/2013	Opposition Period Ends	12/18/2013
International Registration No.	NONE	International Registration Date	NONE
Applicant	URZUA, DAVID REYNOSO 647 Front Street Soledad, CA 93960 USX		

Goods/Services Affected by Opposition

Class 033. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: TEQUILA

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85510754	Application Date	01/06/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	RESERVA DE EL JAGUAR		

Design Mark	RESERVA DE EL JAGUAR
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Tequila

Attachments	85510754#TMSN.jpeg(bytes) Notice_of_Opposition.pdf(46197 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/John A. Tang/
Name	John A. Tang
Date	12/17/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No.: 76/713,393

For the Mark: Bottle configuration in the shape of a Jaguar's Head

Published in Official Gazette on: August 20, 2013

At Official Gazette Page: TM823

Extension of Time Granted Until: December 18, 2013

Application Filed: February 7, 2013

VILLANUEVA HOLDING COMPANY LLC

Opposer,

v.

DAVID REYNOSO URZUA, A/K/A DAVID REYNOZO,

Applicant.

Commissions for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposer, Villanueva Holding Company, LLC ("Opposer"), a limited liability company organized and existing under the laws of Texas and having an office and a principal place of business in Houston, Texas, believes that it would be damaged by the issuance of a registration for the trademark of a three dimension bottle configuration of the shape of a jaguar's head in International Class 033 for "tequila" as applied for by Applicant David Reynoso Urzua, also known as, David Reynozo ("Applicant") in Application Serial No.

76713393, filed on February 7, 2013 (the ‘393 Application). The ‘393 Application claims priority to Mexican Trademark Application No. 1307275, filed September 10, 2012. The description of the mark as stated in the ‘393 Application is “The mark consists of a three dimensional configuration of the product packaging, namely, a bottle generally representing the head of a jaguar.”

As grounds for its opposition, Opposer, by its attorney John A. Tang, alleges as follows:

1. Opposer owns U.S. Trademark Application No. 85510754 for the word mark RESERVA DE EL JAGUAR for tequila (“Opposer’s Mark”). An application for federal registration of the Opposer’s Mark was filed on January 6, 2012, some nine (9) months before the ‘393 Application, and is pending with the U.S. Patent and Trademark Office. Applicant has been continuously using the RESERVA DE EL JAGUAR mark for tequila in U.S. commerce, since July 2013.

2. The mark that is the subject of the ‘393 Application is a three dimensional jaguar head shaped bottle for tequila (“Subject Mark”), which is similar to Opposer’s Mark. Opposer’s word mark includes the word JAGUAR along with the descriptive Spanish terms, DE LA RESERVA, which translate into English as RESERVE. The term RESERVE is often used in the liquor industry to connote a premium liquor. Since tequila must be manufactured in Mexico (a Spanish speaking country), Opposer’s Mark would often be known to U.S. consumers as JAGUAR RESERVE.

3 Opposer is in the spirits business and uses its mark on packaging, in marketing, advertising and sales. Both Applicant’s goods and Opposer’s goods are identical, namely, tequila.

4. The Subject Mark creates a likelihood of confusion with Opposer's Mark under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d). Use or registration of the Subject Mark would cause mistake or confusion as to the origin of Applicant's and Opposer's good, and as to the affiliation with or sponsorship with respect to those goods, as well as any other aspect of their respective businesses or services.

5. If the Subject Mark is permitted to issue as a registration, confusion resulting in damage and injury to Opposer would result by reason of the similarity between the Subject Mark and the Opposer's Mark. Any such confusion would result in the loss of distinctiveness of the Opposer's Mark and could also result in a loss of sales to Opposer. Furthermore, any defect, objection, or fault with respect to the goods sold under the Subject Mark would be likely to reflect upon and seriously injure the reputation which the Opposer has established for its goods and services sold with respect to the Opposer's Mark.

6. Opposer also believes that the issuance of a registration for the Subject Mark would impair Applicant's rights in its use of the mark JAGUAR DE EL RESERVA even in other goods beyond tequila, such as rum, vodka and liquors.

WHEREFORE, Opposer prays that this Opposition be sustained and that the registration of the Subject Mark be denied. Concurrent with the filing of this Notice of Opposition, Opposer hereby pays the required Opposition fee for a single class and also certifies that a copy of the opposition papers, including this document, has been served upon Applicant, at his address by First Class Mail as of this date.

Date: December 17, 2013

Respectfully submitted,

/John A. Tang/

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Attorney for Villanueva Holding Company LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon Applicant at the address listed in the U.S. Patent and Trademark Office records for the '393 Application on the date indicated below by depositing a true and correct copy thereof with the United States Postal Service as First-Class mail, postage prepaid:

December 17, 2013

/John A. Tang/

John A. Tang
Attorney for Opposer,
Villanueva Holding Company LLC